



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,557	11/02/2000	Paul F. Klein	G&C30695.16-US-U1	8702

22462 7590 01/21/2005

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER

BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,557

Applicant(s)

KLEIN ET AL.

Examiner

James H Blackwell

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Amendment received 08/06/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 20, 28, 39, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable under Landsman et al. (hereinafter Landsman, U.S. Patent No. 6,314,451) in view of Eves et al. (hereinafter Eves, U.S. patent No. 6,721,780).

In regard to independent Claim 1 (and similarly independent Claims 9, 20, 28, 39, and 47), Landsman teaches embedding an "*advertising tag*" into a referring page. This tag contains two components. One component effectively downloads, from a distribution HTTP (web) server and to an extent necessary, and then persistently instantiates an agent, implemented as a "*light-weight*" Java applet, at the client browser (a *first web page would have to be requested* in this case, the first web page containing an *applet tag*). This agent then "*politely*" and transparently downloads advertising files (media and, where necessary, player files), originating from an ad management system residing on a third-party advertising HTTP (web) server, for a given advertisement into browser disk cache (also in the case of media files into the browser RAM cache) and subsequently plays those media files through the browser on an interstitial basis and in response to a user click-stream (Col. 9, line 67; Col. 10, lines 1-12; compare to Claim 1

(and similarly Claims 9, 20, 28, and 39), steps (a)-(e). It should be noted that the claimed steps (a)-(e) comprise a notoriously well-known method for downloading, instantiating, and executing a Java applet from a directive tag embedded in a web page.

Landsman fails to specifically teach *(1) requesting one or more web objects that are likely to be accessed next as part of one or more additional web pages that are likely to be requested by a user*. However, Eves teaches an access device (client) configured with a utility for pre-loading pages of data from the selected remote source, that is to say calling up pages and storing them rather than displaying them to the user on arrival. WebTV has this feature and uses it in combination with a predictor module to select pages to be downloaded, such that there is an improvement in the overall performance whenever the predictor has been correct and the user calls for a page which is already locally cached (Col. 3, lines 18-26). It should be noted that even though the utility and/or predictor described by Eves does not offer how they are implemented, it would have been obvious to one of ordinary skill in the art at the time of invention to use Java applets as they will execute on multiple clients (browsers and machines) thereby providing the benefit of a "one code fits all" scenario. Eves also teaches that the particular value of this feature is that the particularly data-heavy area of graphics (*web objects*) in data pages (*web objects*) may be relieved to some extent by making use of this background pre-loading mechanism in combination with the particular arrangement of having, for a given group of pages to be downloaded, all the graphics for those pages together on a single dummy page which may be background downloaded to local storage in the users access device, without disturbing the viewing of initial pages (again

pre-loading or pre-caching web objects). Hence, Eves's teaching follows the claimed steps e(2)-(3). Eves's teaching also implies that one would be able to request additional pages, and assuming the predictor module was correct that the subsequent pages would be accessed from the cache and displayed. Compare with Claim 1 (and similarly Claims 9, 20, 28, and 39), steps (f)-(h). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Landsman and Eves as both inventions deal with methods for pre-caching web objects. The teaching of Eves adds the benefit of pre-caching web objects *non-interstitially*.

In regard to dependent Claim 2 (and similarly dependent Claims 21, and 40), Landsman teaches an HTML advertising tag is embedded into a referring web page (see Abstract; compare with Claim 2 (and similarly Claims 21, and 40), “... ***the one or more web object is a hypertext markup language (HTML) document***”).

In regard to dependent Claim 3 (and similarly dependent Claims 22, and 41), Landsman teaches that for the selected advertisement, the AdDescriptor file is a text file that contains a manifest, i.e., a list, of file names and corresponding network locations (URLs) at which these files reside, and player instructions and configuration parameter values necessary to play the entire advertisement through web browser (7) to the user. Fig. 20 shows contents of typical AdDescriptor file (2000) for a PointCast Java advertisement. Specifically and as shown in section 4C of file (2000), this AdDescriptor file lists file names with partial addresses on the ad management system of all media files that constitute content for that advertisement, and, in section 1 of this file, all Java player files necessary to play all the media files. This file also respectively specifies,

here shown in sections 3 and 4B, an order in which the various media files are to be played, and various configuration parameters needed to properly configure the operation of each player to play each corresponding media file (Col. 21, lines 32-48; compare to Claim 3 (and similarly Claims 22, and 41), “... ***the applet is further configured to receive an object list of one or more web objects likely to be accessed next and wherein the request for the one or more web object is for one or more web objects in the object list***”).

In regard to dependent Claim 4 (and similarly dependent Claims 23, and 42), Landsman teaches ad management system (25) then selects a specific advertisement to be delivered to client PC (5). This selection can be selected on a predefined or random basis, or based on user preference or other user-specific information previously collected from and associated with the user then operating browser (7). Such user-specific information, such as prior buying patterns, could have been appropriately pre-collected at the client PC, previously uploaded to ad management system (25) and processed there such that, upon receipt of the AdDescriptor request, system (25) would then select and download an appropriate advertisement specifically targeted to the user then situated at the client PC (Col. 21, lines 13-25; compare to Claim 4 (and similarly Claims 23, and 42), “... ***the one or more web objects in the object list are ordered by statistical significance and the applet requests each web object in the list in the statistical significance order***”).

In regard to dependent Claim 8 (and similarly dependent Claim 27), Landsman teaches that through so-called "polite" downloading, media and player files are

Art Unit: 2176

downloaded to browser (7) during browser idle time intervals, with the downloading suspended during each ensuing interstitial interval after the user instructs browser (7) to navigate to a new content web page. In this manner, while a fully downloaded advertisement is interstitially played from browser cache, the new content page is downloaded over the full bandwidth of communications link (9). Advantageously, the communications link is freed during each interstitial interval to just carry web page content, thereby expediting download of content pages. If, due to the occurrence of an interstitial interval, the AdController applet suspends downloading of an advertisement file, then upon termination of this interval, this applet then resumes downloading at a location in that file at which downloading had stopped, thus conserving communication bandwidth and reducing download time (Col. 22, lines 10-26; compare to Claim 8 (and similarly Claim 27), “... ***the applet does not interfere with normal processing of the browser***”).

In regard to dependent Claim 10 (and similarly dependent Claims 29, and 48), Landsman teaches that the advertising tag is itself embedded in a content web page. The advertising tag, as one of its components, references a JavaScript file (which contains a "script") stored on a distribution server (Col. 11, lines 40-43; compare to Claim 10 (and similarly Claims 29, and 48), “... ***the obtaining comprises receiving a static web page from a web page library on the server***”).

In regard to dependent Claim 11 (and similarly dependent Claims 30, and 49), Landsman teaches an advertising tag which downloads a JavaScript file from an agent server. This file, in turn, is then interpreted and executed as a script, by the browser.

Art Unit: 2176

Applet tags are dynamically written by the script into the referring web page in lieu of advertising tag so as to form a modified web page (Col. 17, lines 57-67; compare to Claim 11 (and similarly Claims 30, and 49), “... **adding an applet tag to the static web page**”).

In regard to dependent Claim 12 (and similarly dependent Claims 31, and 50), Landsman teaches an advertising tag which downloads a JavaScript file from an agent server. This file, in turn, is then interpreted and executed as a script, by the browser. Applet tags are dynamically written by the script into the referring web page in lieu of advertising tag so as to form a modified web page (Col. 17, lines 57-67; compare to Claim 12 (and similarly Claims 31, and 50), “... **the obtaining comprises using a filter that dynamically tags the web page as the web page is being transmitted to the client**”).

In regard to dependent Claim 13 (and similarly dependent Claims 32, and 51), Landsman teaches an advertising tag which downloads a JavaScript file from an agent server. This file, in turn, is then interpreted and executed as a script, by the browser. Applet tags are dynamically written by the script into the referring web page in lieu of advertising tag so as to form a modified web page (Col. 17, lines 57-67; compare to Claim 13 (and similarly Claims 32, and 51), “... **the obtaining comprises dynamically creating a web page**”).

In regard to dependent Claim 14 (and similarly dependent Claims 33, and 52), Landsman teaches that for the selected advertisement, the AdDescriptor file is a text file that contains a manifest, i.e., a list, of file names and corresponding network locations

(URLs) at which these files reside, and player instructions and configuration parameter values necessary to play the entire advertisement through web browser (7) to the user.

Fig. 20 shows contents of typical AdDescriptor file (2000) for a PointCast Java advertisement. Specifically and as shown in section 4C of file (2000), this AdDescriptor file lists file names with partial addresses on the ad management system of all media files that constitute content for that advertisement, and, in section 1 of this file, all Java player files necessary to play all the media files. This file also respectively specifies, here shown in sections 3 and 4B, an order in which the various media files are to be played, and various configuration parameters needed to properly configure the operation of each player to play each corresponding media file (Col. 21, lines 32-48; compare to Claim 14 (and similarly Claims 33, and 52), “... ***transmitting a web object list to the client***”).

In regard to dependent Claim 15 (and similarly dependent Claims 34, and 53), Landsman teaches that in sharp contrast to conventional server-based accounting of web advertisements, our inventive technique provides highly accurate client-side accounting of each user impression. Each log entry, produced by the AdController applet, specifies a successful presentation of a complete advertisement at a client browser. This entry may include a source of the ad content, i.e., in terms of the URL of the associated ad management system, a title of the advertisement and the URL of the referring web page. Other client-side information can be measured and included in each entry, such as: an amount of time during which the advertisement was rendered by the browser (presumably during which the user dwelled on the advertisement); as well as

an identification, in terms of a URL, of a content web page to which the user next navigated (particularly if the user reached that page through a hotlink displayed in the advertisement). Subsequently, the AdController applet uploads the log entries to the advertising server. These entries will be collectively processed, as needed, to permit shared ad revenues from web-based advertisers to be properly allocated among different web page content providers (Col. 13, lines 34-54; compare to Claim 15 (and similarly Claims 34, and 53), “... ***maintaining access statistics for the web page, wherein the access statistics are statistics for web objects accessed after the web page***”).

In regard to dependent Claim 16 (and similarly dependent Claims 35, and 54), Landsman teaches that in sharp contrast to conventional server-based accounting of web advertisements, our inventive technique provides highly accurate client-side accounting of each user impression. Each log entry, produced by the AdController applet, specifies a successful presentation of a complete advertisement at a client browser. This entry may include a source of the ad content, i.e., in terms of the URL of the associated ad management system, a title of the advertisement and the URL of the referring web page. Other client-side information can be measured and included in each entry, such as: an amount of time during which the advertisement was rendered by the browser (presumably during which the user dwelled on the advertisement); as well as an identification, in terms of a URL, of a content web page to which the user next navigated (particularly if the user reached that page through a hotlink displayed in the advertisement). Subsequently, the AdController applet uploads the log entries to the

Art Unit: 2176.

advertising server. These entries will be collectively processed, as needed, to permit shared ad revenues from web-based advertisers to be properly allocated among different web page content providers (Col. 13, lines 34-54; compare to Claim 16 (and similarly Claims 35, and 54), “... ***the maintaining comprises maintaining a web agent table with slots, wherein each slot represents a location to find the access statistics for a web page***”).

Claims 5, 24, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Eves and in further view of O'Brien et al. (hereinafter O'Brien, U.S. Patent No. 6,055,569).

In regard to dependent Claim 5 (and similarly dependent Claims 24, and 43), Landsman fails to specifically teach that *the request for one or more web object comprises a request for statistical information regarding the additional web pages most likely to be accessed directly after the current web page being viewed on the browser and wherein only one or more statistically significant web object is received by the applet*. However, O'Brien teaches that a smart browser working in conjunction with a HTTP server that selectively downloads WWW pages into the browser's memory cache. The determination of which pages to download is a function of a probability weight assigned to each link on a Web page. By evaluating that weight to a predetermined browser criteria, only those pages most probably to be downloaded are stored in the browser's memory cache. The download is done in the background while the browser user is viewing the current Web page on the monitor. This greatly enhances the speed

Art Unit: 2176

with which the viewer can "cruise" the Web while at the same time conserving system resources by not requiring the system to download all the possible links (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Landsman and O'Brien providing the benefit of accelerating web access by predicting user action.

Claims 6-7, 25-26, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Eves and in further view of Borman et al. (hereinafter Borman, U.S. Patent No. 6,226,655).

In regard to dependent Claim 6 (and similarly dependent Claims 25, and 44), Landsman fails to teach *parse contents of the web page; create a web object list that contains each link to another web page that is identified from the parsing, wherein each web object requested by the applet is a web object from the web object list*. However, Borman teaches that the jumper is implemented as an application, such as an applet, which is sent to the browser by the search engine (Col. 12, lines 34-36; compare with Claim 6 (and similarly Claims 25, and 44), "... **the applet is further configured to**"). Borman also teaches that a first file of information is received which may include a first mark-up language to identify contents of the information, which contents include site identifiers. The site identifiers corresponding for example to file locations on the Internet. The first file is displayed in a browser window. Responsive to receiving the first file of information by the browser, the first file of information is parsed by a jumper to generate a list of site identifiers. This list of site identifiers is then stored by the jumper and

Art Unit: 2176

displayed in a jumper window. Responsive to an activation by the user, a computer is directed to determine which of the stored site identifiers is currently selected and automatically selects an other. The other includes the first, the prior, the next, or the last on the list (Col. 3, lines 9-22). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Landsman and Borman providing the benefit of generating a list of site identifiers (URLs).

In regard to dependent Claim 7 (and similarly dependent Claims 26, and 45), Landsman fails to teach that *upon receiving one or more web object requested from the web object list, the applet is further configured to: parse contents of the web object received; identify any link to another web page; add the identified link to the web object list*. However, Borman teaches that responsive to receiving the first file of information, the jumper parses the first file and extracts and stores a list comprised of first file site identifiers. The stored list of site identifiers is then displayed in the jumper window (Col. 3, lines 14-18). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Landsman and Borman providing the benefit of having identified links in a web object and creating a list of them thereby assisting with simplified Internet navigation.

In regard to dependent Claim 46, Landsman teaches that through so-called "polite" downloading, media and player files are downloaded to browser (7) during browser idle time intervals, with the downloading suspended during each ensuing interstitial interval after the user instructs browser (7) to navigate to a new content web page. In this manner, while a fully downloaded advertisement is interstitially played from

browser cache, the new content page is downloaded over the full bandwidth of communications link (9). Advantageously, the communications link is freed during each interstitial interval to just carry web page content, thereby expediting download of content pages. If, due to the occurrence of an interstitial interval, the AdController applet suspends downloading of an advertisement file, then upon termination of this interval, this applet then resumes downloading at a location in that file at which downloading had stopped, thus conserving communication bandwidth and reducing download time (Col. 22, lines 10-26; compare to Claim 46, “... ***the applet does not interfere with normal processing of the browser***”).

Claims 17-19, 36-38 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Eves and in further view of Batchelder et al. (hereinafter Batchelder, U.S. Patent No, 6,351,767).

In regard to dependent Claim 17 (and similarly dependent Claims 36, and 55), Landsman fails to teach a *hash function performed on a uniform resource locator (URL) for a web page identifies the slot containing the access statistics for that web page*. However, Batchelder teaches that when server (100) receives a URL from a client, the HTTP server (206) passes the URL to the URL Parser (303), which breaks the URL into different parts (Col. 7, lines 11-15). Batchelder fails to specifically teach a *hash function* or *identifies the slot containing the access statistics for that web page*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teaching of Batchelder to use a hash function on a URL because

Art Unit: 2176

such a function would have provided a means to store the components of a URL in separate bins thereby assisting in isolating the path to the access statistics for a particular page.

In regard to dependent Claim 18 (and similarly dependent Claims 37, and 56), Landsman fails to teach *the access statistics in each slot are ordered by most linked to web objects to least linked to web objects*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to have ordered access statistics in such a way because it would have made them easier to read and interpret by a user providing the benefit of quickly determining the most popular web objects.

In regard to dependent Claim 19 (and similarly dependent Claims 38, and 57), Landsman fails to teach *transmitting a subset of the slot for the requested web page to the applet*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to have transmitted a subset of the slot to the applet providing the benefit of using the slot information to determine the most popular web objects.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
01/11/05


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER